

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

ROGELIO CANTU	§	
Petitioner,	§	
	§	
v.	§	C.A. NO. C-07-72
	§	
NATHANIEL QUARTERMAN,	§	
DIRECTOR, TEXAS DEPT. OF	§	
CRIMINAL JUSTICE—CORRECTIONAL	§	
INSTITUTIONS DIVISION,	§	
Respondent.	§	

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND
DISMISSING HABEAS CORPUS PETITION**

The United States Magistrate Judge filed her Memorandum and Recommendation on October 16, 2007 (D.E. 18). Petitioner timely filed objections (D.E. 19–20).

Having reviewed de novo the Magistrate Judge’s Memorandum and Recommendation, the pleadings on file, and petitioner’s objections, the Court accepts the Magistrate Judge’s recommended decision. Accordingly, the Court GRANTS respondent’s Motion to Dismiss (D.E. 11) and DISMISSES with prejudice petitioner’s habeas corpus petition.

The Fifth Circuit permits this Court to *sua sponte* deny a certificate of appealability. *Alexander v. Johnson*, 211 F.3d 895, 898 (5th Cir. 2000). The Magistrate Judge recommended that petitioner be denied a certificate of appealability because reasonable jurists would not find the Court’s assessment of the constitutional claims debatable or wrong. *See Slack v. Daniel*, 529 U.S. 473, 484 (2000). The Court adopts

the Magistrate Judge's recommended decision and ORDERS that a certificate of appealability not issue in this case.

ORDERED this 11 day of Jan 2008


HAYDEN HEAD
CHIEF JUDGE